IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

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WRIT PETITION No.12908 OF 2006

Between:

M/s.Little Buds High School,
Dharrrmapuri, Lingojiguda,
Saroornagar Mandal,
Rangareddy district,
Rep. by its Secretary and
Correspondent Smt.A.Sailaja.

..... PETITIONER

AND

The Secretary,
Regional Transport Authority,
Rangareddy District, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.12908 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue a Writ order or direction especially one in the nature of WRIT OF MANDAMUS declaring the seizure of the petitioner's vehicle bearing No.AP 24 T 960 vide vehicle check report No.3212262 dated 23.6.2006 is illegal and arbitrary and pass ……"**

The petitioner is the owner of vehicle bearing No. AP 24 T 0960. It is doubtful whether the petitioner has any existence in the eye of law for the reason that under the scheme of A.P. Education Act, 1982, an educational institution has to be run by an educational agency, which expression is defined under the Act and that agency, is a legal person which owns the property and acquires or incurs legal obligation, as the case may be. However, the registration certificate of the vehicle is shown to be that of the petitioner as described in the present writ petition.

Be that as it may, the said vehicle was seized by the 2nd respondent on 23.06.2006 for the various violations alleged in the proceedings. The relevant portion of the proceedings reads as follows:

> **"Stopped and checked the above said vehicle while proceeding towards Lingojiguda, with school children found.**

1. Without RC and no proof of tax.
2. Without permit.
3. Without I/c.
4. Driver absconded.
5. Driving license not produced."

Hence the present writ petition.

The case of the petitioner is that admittedly the tax was not paid on the ground that according to the petitioner, the vehicle was kept for maintenance for some time, and therefore, there was no obligation to pay the tax. To a specific query whether the requisite stoppage report as contemplated under Rule 12 of A.P. Motor Vehicle Taxation Rules, is complied with, learned counsel submitted that no such report was in fact forwarded to the concerned authorities.

Heard the learned Government Pleader.

In the circumstances, we deem it appropriate to direct the respondents to conclude the enquiry pursuant to the seizure of the vehicle bearing No.AP 24 T 0960 expeditiously, preferably within a period of four weeks from today and pass appropriate orders depending on the outcome of the enquiry. In the meanwhile, the respondents are directed to release the vehicle on condition of the petitioner depositing the tax due as determined by the 1st respondent. Such a determination is required to be made within a period of one week from today.

With the above direction, the writ petition is disposed of at the stage of admission itself.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

27TH JUNE, 2006

Note: Issue Copy by tomorrow.
(B/O) PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

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(Per Sri Justice J.Chelameswar)

27TH JUNE, 2006